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Dated: February 22, 2010 **Name of Person Certifying:** /Guy Cumberbatch, Reg. No. 36,114/
Printed Name: Guy Cumberbatch

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re Application of: Huynh, et al.) Group Art Unit: 3738
Application No.: 10/802,314)
Filing Date: March 17, 2004) Examiner: Brian E. Pellegrino
10 For: LOW-PROFILE HEART VALVE SEWING) Confirmation No.: 3894
RING AND METHOD OF USE) Customer Number: 30452
)
)

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FOURTH SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. §41.37

Dear Sir:

This is an appeal from the final rejections of claims 1-21 in the FINAL Office Action dated March 20, 2008. The Appeal Brief was timely filed on September 22, 2008.

This is responsive to a Decision dated January 19, 2010 on the Rule 181 Petition filed December 21, 2009. The following corrects only those the subparts of 37 CFR §41.37(c)(1) that were deemed non-compliant, in particular 37 CFR §41.37(c)(1)(v) concerning a concise summary of the claimed subject matter with reference to the specification pages, and line numbers. Changes to the previously entered (SECOND) Supplemental Appeal Brief are indicated in ***bold italics***

30 V.

SUMMARY OF CLAIMED SUBJECT MATTER

The application at issue discloses a sewing ring for prosthetic heart valves. The sewing ring is attached to a periphery of a stent and is configured to move between two stable positions, so as to be “bi-stable.”

35 Claim 1 provides a sewing ring **152** (*Page 12, lines 22-25, Figures 11A-11C*) attached to a generally annular periphery of a prosthetic heart valve **150** (*Figures 11A-11C*) with an inflow end (*down in Figures 11A-11C*) and an outflow end (*up in Figures 11A-11C*), the sewing ring

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being suture-permeable (*Page 8, lines 8-13*) and configured to pivot between bi-stable positions (*Page 16, lines 13-20, Figures 11A-11C, 13A-13B*), including a first position extending generally toward the outflow end of the valve (*see Figures 11A and 13A*) to a second position extending generally toward the inflow end of the valve (*see Figures 11C and 13B*).

5 ***Further exemplary*** support for claim 1 can be found in Figures 11-13, and from page 12, line 22 to page 17, line 3 of the specification as filed. Structural variants and methods of use are shown in Figs. 14-17, as described from page 17, line 4 to page 19, line 11 of the specification as filed. Support for dependent claims 2-10 can be seen in Figs. 13-15, as described from page 12, line 22 to page 18, line 4 of the specification as filed.

10 Claim 11 provides a prosthetic heart valve **150** (*Figures 11A-11C*) having an inflow end (*down in Figures 11A-11C*) and an outflow end (*up in Figures 11A-11C*) and including a generally annular stent **154** (*Page 12, lines 22-25, Figures 11A-11C and 13A-13B*) and a suture-permeable (*Page 8, lines 8-13*) sewing ring **152** (*Figures 11A-11C*) attached thereto. The sewing ring is configured to pivot between bi-stable positions (*Page 16, lines 13-20, Figures 11A-11C, 13A-13B*), including a first position extending generally toward the outflow end of the valve (*see Figures 11A and 13A*) to a second position extending generally toward the inflow end of the valve (*see Figures 11C and 13B*).

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Further exemplary support for claim 11 can be found in Figures 11-13, and from page 12, line 22 to page 17, line 3 of the specification as filed. Structural variants and methods of use are shown in Figs. 14-17, as described from page 17, line 4 to page 19, line 11 of the specification as filed. Support for dependent claims 12-21 can be seen in Figs. 13-15, as described from page 12, line 22 to page 18, line 4 of the specification as filed.

Respectfully submitted,

25 Date: February 22, 2010

/Guy Cumberbatch, Reg. No. 36,114/

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